

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

BERNARD KATZ, )  
                        )  
                        )  
*Pro Se Plaintiff*, )  
                        )  
                        )  
v.                       ) C.A. No. 17-1328 (MN)  
                        )  
JOSEPH APUZZO, JR. and REGAL )  
TRADING, INC.,         )  
                        )  
Defendants.           )

**MEMORANDUM ORDER**

At Wilmington this 6th day of November 2018:

WHEREAS, Plaintiff Bernard Katz (“Plaintiff”) initiated the present action, *pro se*, against Joseph Apuzzo, Jr. and Regal Commodities, Inc. on September 19, 2017 (D.I. 2), asserting claims arising out of breach of contract, breach of good faith and fair dealing, tortious interference with prospective business relations and/or contracts, fraud, unjust enrichment, violation of the Uniform Trade Secrets Act, and seeking damages of at least \$20,000,000;

WHEREAS, on November 6, 2017, Plaintiff amended his complaint (D.I. 11) as a matter of course to change the Regal entity sued from Regal Commodities, Inc. to Regal Trading, Inc. and to add various allegations regarding jurisdiction;

WHEREAS, on November 20, 2017, Defendants Joseph Apuzzo, Jr. and Regal Trading, Inc. (collectively, “Defendants”) moved to dismiss the First Amended Complaint for lack of personal jurisdiction under Federal Rule of Civil Procedure 12(b)(2) and for failure to state a claim upon which relief can be granted under Federal Rule of Civil Procedure 12(b)(6) (D.I. 17);

WHEREAS, on February 12, 2018, Plaintiff filed a motion for leave to file a second amended complaint (D.I. 26) to add three defendants to the present action; and

WHEREAS, under the Third Circuit's liberal approach to the amendment of pleadings, leave to amend should ordinarily be freely granted (*see, e.g., Oran v. Stafford*, 226 F.3d 275, 291 (3d Cir. 2000); *Dole v. Arco Chem. Co.*, 921 F.2d 484, 486 (3d Cir. 1990)).

IT IS HEREBY ORDERED that:

- (1) Plaintiff's motion for leave to file a second amended complaint (D.I. 26) is GRANTED;
- (2) Defendants' motion to dismiss (D.I. 17) and Plaintiff's motion to amend its answering brief (D.I. 33) are DENIED as MOOT; and
- (3) Given that the Court has denied Defendants' pending motions to dismiss, Plaintiff's motions for a scheduling hearing (D.I. 30, 36) are DENIED. The Court will issue an order regarding scheduling in due course.



The Honorable Maryellen Noreika  
United States District Judge